

IN RE * BEFORE THE
PETITION FOR ZONING VARIANCE * ZONING COMMISSIONER
NW/S Kelso Drive * FOR
35' SW c/l Rossville Boulevard * BALTIMORE COUNTY
(Pulaski Industrial Park)
11th Election District * Case No. 89-450-A
6th Councilmanic District
BTR Realty, Inc., Contract Purchaser:
Klein-Slosburg Enterprises, Inc. - *
Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a Variance to permit a food/convenience store with a gross floor area of 3,277 square feet in lieu of the required 2,500 square feet, and a Variance to allow direct access to arterial streets other than a Class I Commercial Motorway, in accordance with Petitioner's Exhibit 1.

The Petitioner, by George Arconti, Jr., a partner of the petitioner development company, authorized to speak therefor, appeared and testified, and was represented by Julius W. Lichter, Esquire, and Howard L. Alderman, Jr., Esquire. There were no protestants.

Testimony from Mr. George Arconti, Jr., an experienced property management/developer (and who has been qualified as an expert witness in zoning and development matters on previous occasions before the Zoning Commissioner of Baltimore County and the County Board of Appeals) indicated that the subject parcel

has a net lot area of approximately 1.32 Acres in size and is located within a Planned Industrial Park containing a net area of greater than 25 Acres. Petitioners propose to develop the lot with approximately 11,725 square feet of mixed retail and service uses, together with a food/convenience store of 3,277 square feet. Petitioner's testimony indicated that the specific storage size requirements of the proposed tenant for the food/convenience store, Wa Wa, Inc., prohibited the use of any portion of the subject site for a Wa Wa store without first obtaining the requested variance. Additionally, Petitioner's Exhibit No. 2, a letter from Wa Wa, Inc., dated May 11, 1989, indicates that the prototypical unit of a Wa Wa store is 3,250 square feet in size and that such configuration has been developed for the safety and convenience of their customers, together with sufficient storage capabilities of products. Moreover, if Wa Wa were required to reduce the square footage of their building, they would be required to custom build refrigeration equipment and display cases that are part of the prototypical store. Petitioners testified that the additional 22 square feet were needed for a vestibule in front of the store.

Testimony from the Petitioners, which was supported by Petitioner's Exhibit No. 3, an aerial photograph of the subject site, indicates that the only ingress/egress from the subject site is onto the County roads known as Kelso Drive and Rossville Boulevard, neither of which is a Class I Commercial Motorway as

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defined in Section 101 of the Baltimore County Zoning Regulations (BCZR). Petitioner's testimony indicated that the various, individual uses on the subject site will share common points of ingress and egress, one being located on Rossville Boulevard and one being located on Kelso Drive; the individual uses proposed will not have individual, direct access to either County road.

Mr. Arconti testified further that based on his experience and familiarity with the development and leasing of the types of uses proposed for the subject site, that the proposed uses would not result in any detriment to the health, safety or general welfare of the community. Additionally, Mr. Arconti testified as to the requirements of Section 307.1 of the B.C.Z.R. and that the Petitioners, if forced to comply with the strict letter of the Zoning Regulations would be unreasonably prevented from using the property for a permitted purpose; that the grant of the variances requested would do substantial justice to petitioners as well as to other property owners; that the relief requested was the minimum relief necessary, and that the relief requested can be granted in such a fashion that the spirit and intent of the Zoning Ordinance will be maintained.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

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- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the B.C.Z.R. and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship to the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested Variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 31st day of MAY, 1989, that the Petition for Zoning Variance to permit a food/convenience store with a gross floor area of 3,277 square feet in lieu of the

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required 2,500 square feet and to allow direct access to arterial streets other than a Class I Commercial Motorway, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the thirty-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) Petitioner shall file a revised CRG Plan for Lot 2 Section 3, Lot 2 only, or seek a CRG waiver.
- 3) Petitioners, prior to obtaining a building permit, shall submit a building elevation and sign detail to the Office of Planning and Zoning for their review.
- 4) Petitioners shall revise the plat introduced as Petitioner's Exhibit No. 1 and shall submit a copy of said revised plat not later than forty-five (45) days after the date of this order with the following note added: "No auxiliary retail or service uses, other than those listed in Sections 253.1C and 253.2B of the Baltimore County Zoning Regulations, as amended from time to time, are permitted uses on the subject site."
- 5) Petitioners shall submit a landscape plan prior to the issuance of a building permit, said landscape plan shall conform to the CRG Plan approved for Lot 2 at the time of building permit application.
- 6) Petitioners shall construct the parking for the subject site in strict accord with Petitioner's Exhibit No. 1, as revised pursuant to the requirements of this order, and in no event shall the vehicle overhang of said parking spaces be allowed to intrude more than two feet into the 10' setback from right of way line of a public street, in accordance with B.C.Z.R. 409.8.A.4.
- 7) When applying for a building permit the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

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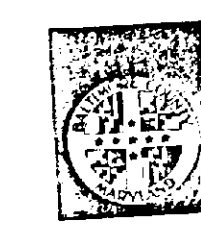
- 8) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make inspection of the subject property to ensure compliance with this Order.

J. Robert Haines
J. Robert Haines
Zoning Commissioner for Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333

J. Robert Haines
Zoning Commissioner

May 31, 1989



Dennis F. Rasmussen
County Executive

Julius W. Lichter, Esquire
Howard L. Alderman, Jr., Esquire
305 W. Chesapeake Avenue
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
NW/S Kelso Drive, 35' SW of the c/l of Rossville Boulevard
(Pulaski Industrial Park)
11th Election District - 6th Councilmanic District
BTR Realty, Inc. - Petitioners
Case No. 89-450-A

Dear Messrs. Lichter & Alderman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs
cc: People's Counsel
File

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 253.1.C.11 to permit a food/convenience store with a gross floor area of 3,277 sq. feet in lieu of the required 2,500 sq. feet, and from Section 253.1.C to allow direct access to arterial streets other than a Class I Commercial Motorway, of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

1. Store is designed to meet minimum requirements of tenant.
2. This site is located at the corner of two arterial streets.
3. Strict compliance with the above regulations will result in practical difficulty to the petitioner.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: KLEIN-SLOSBURG ENTERPRISES, INC.
(Type or Print Name)
Signature: Michael F. Klein, President
Address: 115 Sudbrook Lane, Suite 200
Baltimore, Maryland 21208
City and State
Legal Owner(s): BTR Realty, Inc.
(Type or Print Name)
Signature: Julius W. Lichter, Esquire
(Type or Print Name)
Address: 1302 Concourse Drive, Suite 202 (301) 684-2000
Linthicum, Maryland 21090
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted: JULIUS W. LICHTER, ESQUIRE
Name: 305 W. Chesapeake Ave., Towson, MD 21204
Address: Phone No. 321-0600
Attorney's Telephone No.: (301) 321-0600

ORDERED By The Zoning Commissioner of Baltimore County, this 31st day of May, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-out Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 12th day of May, 1989, at 2 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

(over)

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ZONING DESCRIPTION Pulaski Industrial Park Section 3, Lot 2

Beginning for the same at the intersection of the western Right-of-Way line of Rossville Boulevard, 70' wide and the northern gussett line of Kelso Drive; thence binding along said gussett line and northern Right-of-Way line at Kelso Drive, 70' wide

1. South 00 degrees, 42 minutes, 00 seconds West, 57.10 feet.
2. Along a curve to left have a radius of 2899.79 and length of 128.00 feet.

thence leaving said Right-of-Way line and running

3. North 44 degrees, 18 minutes, 00 seconds West, 341.88 feet.
4. North 45 degrees, 42 minutes, 00 seconds East, 168.10 feet.

thence binding along said western Right-of-Way line of Rossville Boulevard

5. South 44 degrees, 18 minutes, 00 seconds East, 309.69 feet.

to the point of beginning and containing 1.3188 Acres of land more or less.



03-02-89, DES

LAW OFFICES
LEVIN & CANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
301-321-0600
FAX 301-296-2801

ELLIS LEVIN 6803-0960
BALTIMORE OFFICE
900 MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
BALTIMORE, MARYLAND 21201
301-530-3700
TELECOPIER 301-625-9000
CARROLL COUNTY OFFICE
137 LIBERTY ROAD
STYLESVILLE, MD 20848

June 23, 1989

CALVIN A. LEVIN
STANFORD C. CANN
MELVIN A. STEINBERG
JULIUS W. LICHTER
SIDNEY WEINMAN
ROBERT L. PRELLER
ANDREW R. SANDLER
RANDOLPH C. KLEPPER
MICHAEL J. KANDEL
BRAND J. FRANK
HOWARD L. ALDERMAN, JR.
JUDITH S. CANN
MARC C. CANN
MAYER E. GUTTMAN
EDWARD B. STEINBERG
*ALSO ADMITTED IN DC
*ALSO ADMITTED IN NEW YORK

J. Robert Haines, Zoning Commissioner
Baltimore County Office of Planning and Zoning
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Petition for Zoning Variance
Case No: 89-450-A
BTR Realty, Inc./Klein-Slosburg Petitioners
Revised Plat

Dear Commissioner Haines:

Pursuant to Paragraph four (4) of your order in the above referenced case dated May 31, 1989, enclosed please find three (3) copies of the revised Petitioner's Exhibit No. 1. Note No. 1 has been added to comply with set of Paragraph four (4) of your order.

Should you have any questions or need further information in this matter, please do not hesitate to contact me.

Very truly yours,

Howard L. Alderman, Jr.
Howard L. Alderman, Jr.

HLA/ls
Enclosures
cc: Mr. Michael Klein

RECEIVED
JUN 26 1989

ZONING OFFICE

BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENTS
DATE: January 14, 1986
FROM: ZONING OFFICE

PROJECT NAME: PULASKI INDUSTRIAL PARK
PLAN: 11/29/85
LOCATION: SW/S Rossville Blvd. opposite Kelso Drive
DEVELOPMENT PLAN:
DISTRICT: 15th Election District
PLAT:

1. The proposed food store, restaurant and bank uses as permitted in the M.L. Zone under Section 253.1.C are restricted from having direct access to an arterial street (Rossville Boulevard) other than a Class I Commercial Motorway. If there are combined access points for more than one lot or use as shown and not a separate access drive for each there would be no conflict with this section.
2. If the "Quick Mart" is to be justified as a food store as permitted by Section 253.1.C.11, this provision limits the G.F.A. to 2500 square feet.
3. Any retail uses proposed in the office buildings on lots 1 and 5 will have to be justified under the uses permitted in Section 253.1.C of the M.L. zone and if so justified and approved by this office the anticipated parking to support these uses should be shown correctly.
4. If the lots are subdivided or lease lines are established between the lessor and lessee, the lot or lease lines should be shown clearly on the plan and the required setbacks would be required to these lines.

W. Carl Richards, Jr.
W. CARL RICHARDS, JR.
Zoning Coordinator

PETITIONER'S
EXHIBIT 4

Baltimore County
Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

Klein-Slosburg Enterprises, Inc.
115 Sudbrook Lane, Suite 200
Baltimore, Maryland 21208
ATTN: MICHAEL F. KLEIN, PRESIDENT

Re: Petition for Zoning Variance - 89-450-A
115 Kelso Drive, 35' SW c/l Rossville Boulevard
(Pulaski Industrial Park)
11th Election District - 6th Councilmanic
Legal Owner(s): BTR Realty, Inc.
Contract Purchaser(s): Klein-Slosburg Enterprises, Inc.
HEARING SCHEDULED: FRIDAY, MAY 12, 1989 at 2:00 p.m.

Dear Petitioner(s):

Please be advised that \$238 is due for advertising and posting of the above referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign and post set(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Please note that should you fail to return the sign & post set(s), there will be an additional \$25.00 added to the above fee for each such set not returned.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 037977
DATE 5-12-89 ACCOUNT 89-01615-000
AMOUNT \$ 97.35
RECEIVED *Klein-Slosburg / BTR Realty*
FOR *BTR Realty / Klein-Slosburg* 89-450-A
6 810*****07258 12.8

VALIDATION OR SIGNATURE OF CASHIER
DATE-TIME: _____



Dennis F. Rasmussen
County Executive

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

89-450A

NAME	ADDRESS
<i>George Arcont</i>	<i>115 Sudbrook Lane</i>
<i>Howard L. Alderman, Jr.</i>	<i>305 W. Chesapeake Ave</i>
<i>Richard J. Lichter</i>	<i>204 Old Pulaski Rd 21030</i>
<i>James S. Lichter, Esq.</i>	<i>205 W. Chesapeake Ave 21204</i>

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

89-450-A

District: *11th* Date of Posting: *4/23/89*
Posted for: *Variance*
Petitioner: *BTR Realty, Inc. / Klein-Slosburg Enterprises, Inc.*
Location of property: *N.E.S. Kelso Dr., 35' SW / Rossville Blvd*
Location of Sign: *Along arterial street, on intersection of Kelso Drive & Rossville Blvd*
Remarks: *25' from Kelso Dr., on property of Petitioner*
Posted by: *Michael Klein* Date of return: *4/25/89*
Number of Signs: *1*

CERTIFICATE OF PUBLICATION TOWSON, MD. 4/18, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/13, 1989.

NORTHEAST TIMES
THE JEFFERSONIAN.

S. Zabe. Olson
Publisher

PO 10947
reg M 2890 3
ca 89-450-A
price \$82.35



MARYLAND DISTRICT OFFICE
4117 JOPPA ROAD • BALTIMORE, MARYLAND 21236
Wawa Food Markets • Wawa Dairy Farms

May 11, 1989

George Arcont
Metropolitan Management Company
115 Sudbrook Lane, Suite 200
Baltimore, Maryland 21208-4199

Re: Wawa Prototype Plans
Rossville Station

Dear George:

Per our conversation on May 9th, we cannot accept a unit in your Rossville Station Shopping Center unless it is 3250 Square Feet. Wawa Food Market's prototype unit is 3250 square feet and has been developed for the safety and convenience of our customers, sufficient storage capabilities and for the marketing of our products, especially the perishables such as produce, dairy and the deli.

To reduce the square footage of the building would require us to custom build the refrigeration equipment and display cases that are built into the prototype store. Our customers the full benefit of our product offering. The 1000 square feet of storage area would reduce, proportionately resulting in storage and display difficulties.

I hope that this information is a benefit and I await your response.

Sincerely,

Dave A. Dawson
Dave A. Dawson
Real Estate Representative

DAD/rf

cc: Vince R. Anderson

PETITIONER'S
EXHIBIT 2

Baltimore County
Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204
494-3353
J. Robert Haines
Zoning Commissioner

March 23, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance - 89-450-A
115 Kelso Drive, 35' SW c/l Rossville Boulevard
(Pulaski Industrial Park)
11th Election District - 6th Councilmanic
Legal Owner(s): BTR Realty, Inc.
Contract Purchaser(s): Klein-Slosburg Enterprises, Inc.
HEARING SCHEDULED: FRIDAY, MAY 12, 1989 at 2:00 p.m.

Variance to permit a food/convenience store with a gross floor area of 3277 sq. ft. in lieu of the required 2500 sq. ft., and to allow direct access to arterial streets other than a Class I Commercial Motorway.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: BTR Realty
Klein-Slosburg Enterprises, Inc.
Julius W. Lichter, Esq.
File

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 1, 1989

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

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MEMBERS

Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Julius W. Lichter, Esquire
305 W. Chesapeake Avenue
Towson, MD 21204

RE: I-40 No. 368, Case No. 89-450-A
Petitioners: ETR Realty, Inc., et al
Petition for Zoning Variance

Dear Mr. Lichter:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR "WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE VINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 897-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Building, Suite 405
Towson, Maryland 21204
(301) 887-3354

April 21, 1989



Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

Dear Mr. Haines

The Bureau of Traffic Engineering has no comments for items number 367, 368, 369, 370, 371, 372, 374, 375, 376, 377, 378, 379, 380, 381, and 382.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Assoc. II

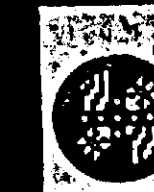
MSF/lab

RECEIVED
APR 28 1989

ZONING OFFICE

Baltimore County
Fire Department
Towson, Maryland 21204
484-4500

Paul H. Bunker
Chief



J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204

Re: Property Owner: Klein-Slossburg Enterprises, Inc.
Legal Owner: ETR Realty, Inc.
Location: NW/4 of Kelso Dr., 35' SW of centerline of
Rossville Blvd.
Item No.: 368

Zoning Agenda: March 21, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

(X) 1. Fire hydrants for the referenced property are required and shall be located at intervals or 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John J. Kelly*
Planning Group
Special Inspection Division

NOTED & APPROVED: *Paul H. Bunker*
Fire Prevention Bureau

/s/

MAR 20 1989

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: May 11, 1989

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case No. 89-450-A
Item No. 368

Re: ETR Realty, Inc.

The Petitioner requests a variance to allow a food/convenience store with a gross floor area of 3,277 square feet in lieu of the permitted 2,500 square feet and to allow direct access to arterial streets other than a Class I Commercial motorway. In reference to this request, staff offers the following comments:

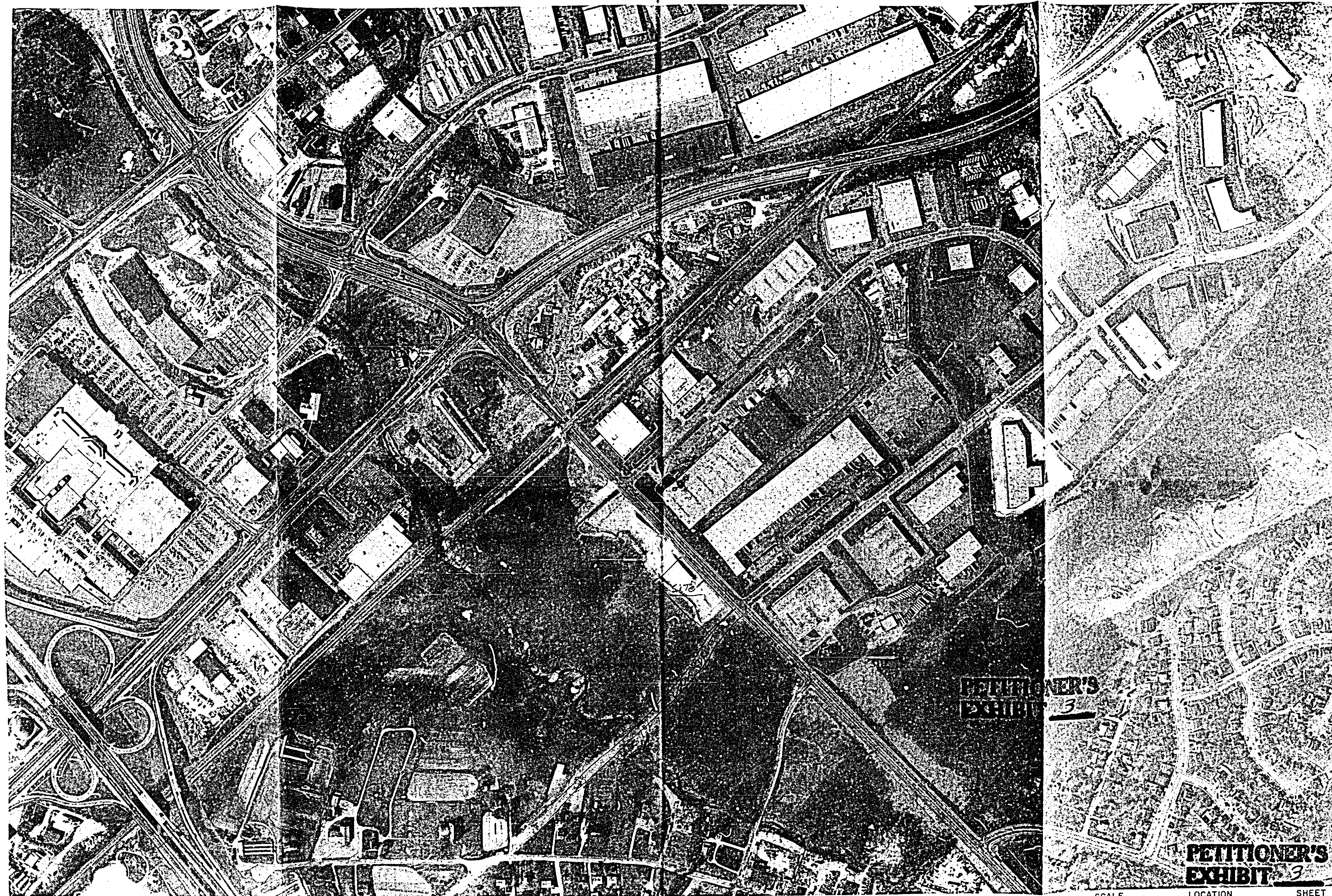
The site obtained CRC approval as a lot within the overall plan of Pulaski Industrial Park (File No. XV-124). Subsequent waivers (W-88-266 and W-88-292) have been granted to revise the building layouts and floodplain line, but the building layout requested here has not been approved on any plan. A waiver to CRC will be required to reflect this layout.

A check with the Zoning Office has verified that the 16 foot paving section for parking which utilizes the 2 foot overhang is not permitted. Therefore, the paving section which abuts Rossville Blvd. and Kelso Drive will need to be increased by 2 feet to meet the requirements of Section 409.3 and 409.4, Baltimore County Zoning Regulations.

Prior to the Zoning Commissioner's decision, this office would like to see a building elevation plan and a sign detail for the proposed use. The additional area granted for the food/convenience store will generate additional trips and an increased visual impact at this major intersection.

A note must be added to the plan, indicating that no auxiliary retail or service uses other than those listed in Sections 253.1.C. and 253.2.B, Baltimore County Zoning Regulations will be permitted.

A landscape plan must be approved prior to the issuance of a building permit. The plan should conform to the schematic landscape plan submitted during the CRC process (copy attached) and the screening detail for the dumpster should conform to the attached plan.



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE
1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION

ROSSVILLE

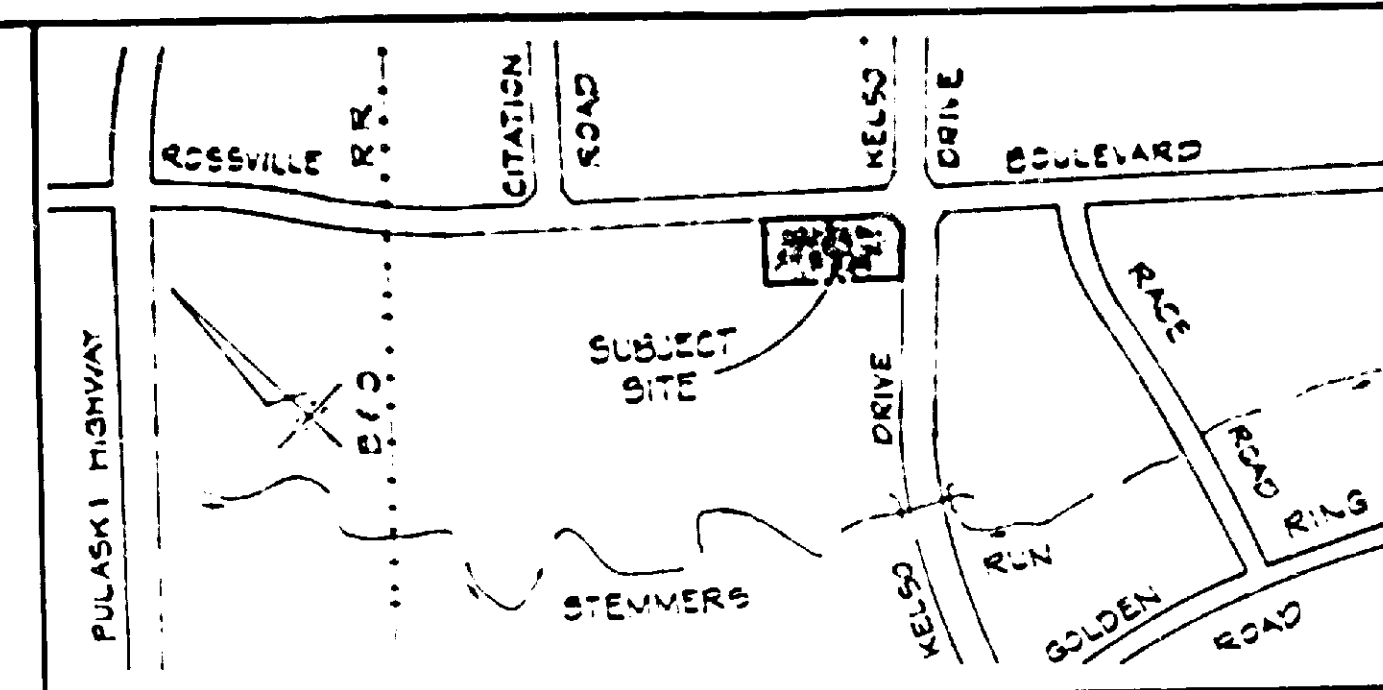
SHEET

N.E.

4-G

**PETITIONER'S
EXHIBIT 3**

PLAT 1, REVISED PLAT, SECTION 1
PULASKI INDUSTRIAL PARK
E.H.K. JP 46/44
EXISTING ZONING "ML-IM" OFFICE, WAREHOUSE AND MANUFACTURING USES



VICINITY MAP
SCALE: 1" = 500'

TO PULASKI HIGHWAY
(RT 40 EAST)

EXISTING CURB
EXISTING PAVING

ROSSVILLE BOULEVARD

EXISTING 12" WATER (DRWG 66-1210-3)
EXISTING 33" D (DRWG 66-1221-4)
EXISTING 8" SAN. (DRWG 66-1213-1)

EXISTING INLET

EXISTING INLET

TO MARTIN BOULEVARD

EXISTING CURB

S44°18'00"E 309.69'

PROPOSED CURB AND GUTTER

2' PARKING OVERHANG

15 PARKING SPACES

30 PARKING SPACES

26 PARKING SPACES

PROPOSED ASPHALT PAVING

PROPOSED 5' HANDICAP ACCESS LANE

PROPOSED CONC. WALK

2 PARKING SPACES

8 PARKING SPACES

RETAIL AND SERVICE USES
(11,725 SQ. FT.)

FOOD CONVENIENCE STORE
(3,277 SQ. FT.)

EXISTING 48" D (DRWG 66-315-4)

KELSO DRIVE

EXISTING 8" SAN (DRWG 66-1211-1)

EXISTING CURB

PARCEL "B" SECTION 3
PULASKI INDUSTRIAL PARK
EXISTING ZONING "ML-IM" VACANT LAND

PROPOSED CONC. PAD FOR DUMPSTER

PROPOSED CONC. PAD FOR DUMPSTER

N44°18'00"W 341.88'

ADJUSTED FLOOD PLAIN LINE

REVISED 100 YEAR FLOOD PLAIN LINE
PER KELSO DRIVE EXTENSION

EXISTING ZONING "ML-IM" VACANT LAND

PARCEL "A" - SECTION 3
PULASKI INDUSTRIAL PARK

PARKING TABULATION

CONVENIENCE FOOD STORE
SQUARE FEET.....3,277
PARKING REQ. (5SP./1000 S.F.) - 16.4 SPACES
RETAIL AND SERVICES
SQUARE FEET.....11,725
PARKING REQ. (5SP./1000 S.F.) - 58.6 SPACES
TOTAL REQUIRED.....75 SPACES
TOTAL PROVIDED.....63 SPACES

GENERAL NOTES:

- 1.) ZONING: "ML-IM"
- 2.) LOT AREA: 1.32 ACRES (57446.93 S.F.) GROSS LOT AREA - 1.67 ACRES (72,677.63 S.F.)
- 3.) EXISTING USE: VACANT LAND
- 4.) PROPOSED USE: SALES, CONVENIENCE FOOD STORE, AND VARIOUS RETAIL AND SERVICE USES.
- 5.) PARKING: REQUIRED - 75 SPACES (SEE TABULATION) PROVIDED - 63 SPACES (SEE TABULATION)
- 6.) UTILITIES: SEWER - PUBLIC WATER - PUBLIC
- 7.) SITE IS LOCATED IN AN I-M DISTRICT AND WITHIN A PLANNED INDUSTRIAL PARK CONTAINING A NET AREA GREATER THAN 25 ACRES.
- 8.) SITE IS LOCATED IN THE STEMMERS RUN DRAINAGE AREA.
- 9.) ELECTION DISTRICT: 13
- 10.) COUNCILMANIC DISTRICT: 6
- 11.) CENSUS TRACT: 4512

VARIANCES REQUESTED

- 1.) A VARIANCE TO SECTION 253.1.C.11 TO ALLOW A FOOD STORE (CONVENIENCE STORE) WITH A GROSS FLOOR AREA OF 3277 S.F. IN LIEU OF THE PERMITTED 2500 S.F. GROSS FLOOR AREA. A VARIANCE OF 777 S.F..
- 2.) A VARIANCE TO SECTION 253.1.C TO ALLOW DIRECT ACCESS TO AN ARTERIAL STREET (ROSSVILLE BOULEVARD AND KELSO DRIVE) OTHER THAN A CLASS I COMMERCIAL MOTORWAY.

NOTE:
NO AUXILIARY RETAIL OR SERVICE USES OTHER THAN THOSE LISTED IN SECTIONS 253.1.C AND 253.2.B. BALTIMORE COUNTY ZONING REGULATIONS WILL BE PERMITTED.

Revised 6/23/89
OK Restriction #4
89-450 A
Paul R. R. R.
Zoning Commissioner

PLAT TO ACCOMPANY
VARIANCE APPLICATION

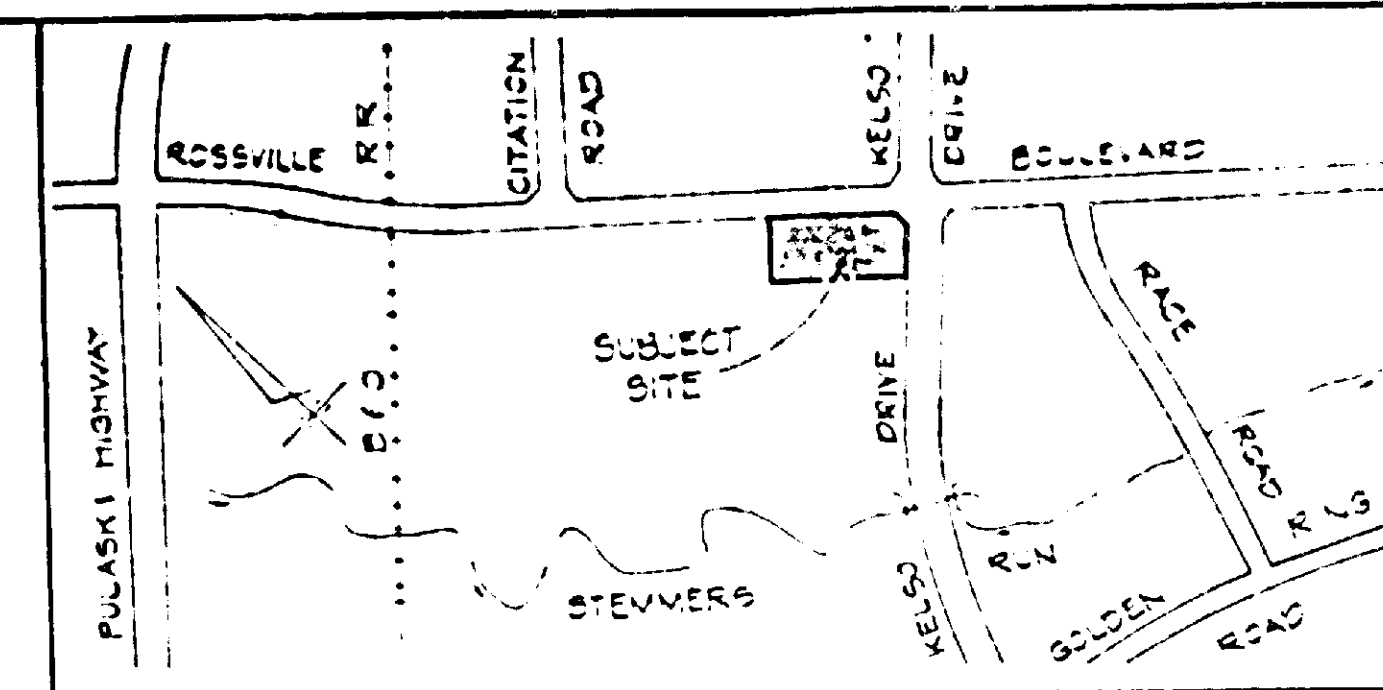
LOT 2 SECTION 3
PULASKI INDUSTRIAL PARK

NORTHWEST CORNER ROSSVILLE AND KELSO DRIVE
SCALE: 1" = 20' DATE: MARCH 2, 1989
SHEET 1 OF 1

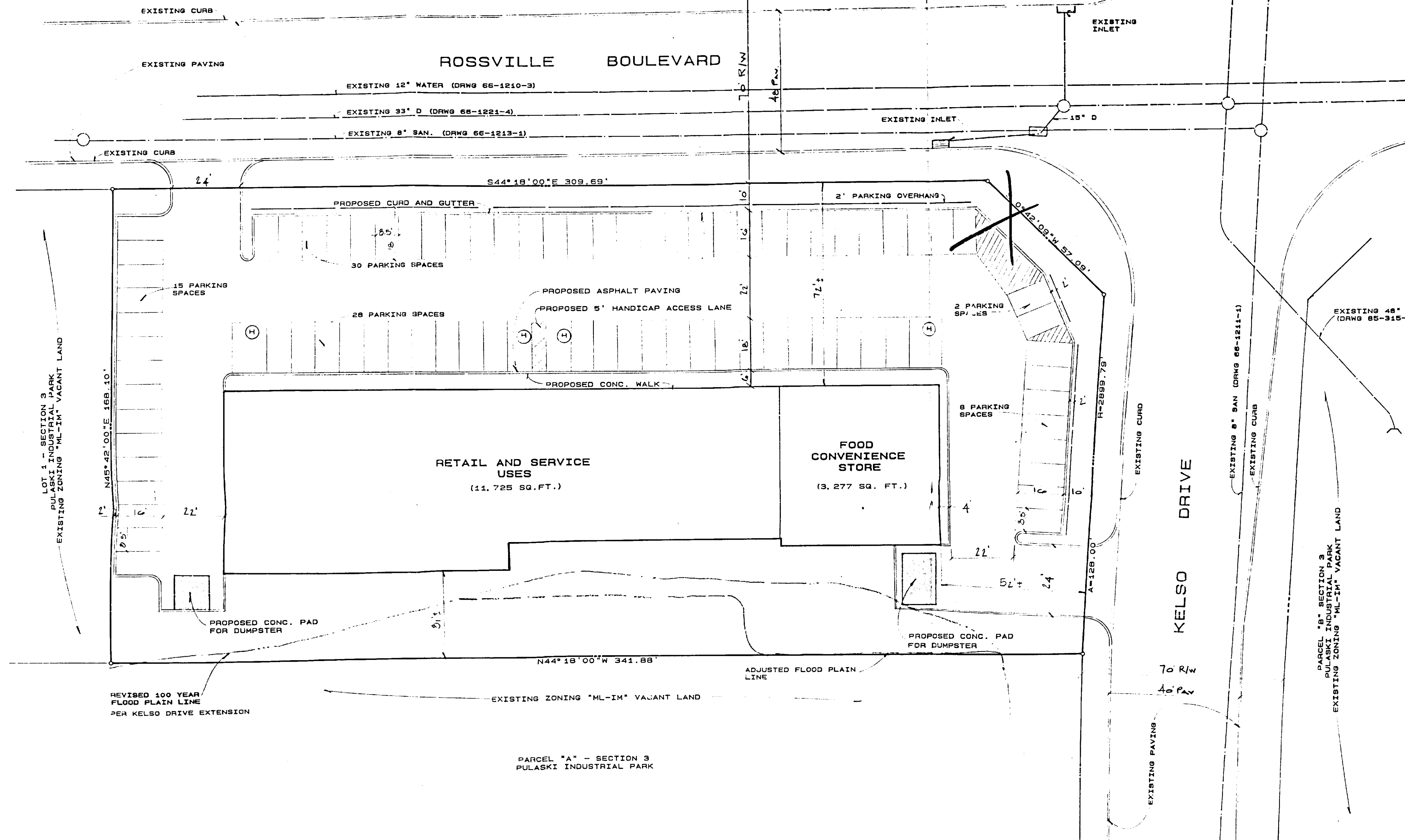
COLBERT ENGINEERING, INC.
115 Sudbrook Lane
Baltimore, Maryland 21208
(301) 653-3838

REVISIONS
DATE
BY

PLAT 1, REVISED PLAT, SECTION 1
PULASKI INDUSTRIAL PARK
E.H.K. JR. 46/44
EXISTING ZONING "ML-IM" OFFICE, WAREHOUSE AND MANUFACTURING USES



VICINITY MAP
SCALE: 1" = 500'



GENERAL NOTES:

- 1.) ZONING: "ML-IM"
- 2.) LOT AREA: 1.32 ACRES (57446.93 S.F.); GROSS LOT AREA = 1.67 ACRES (72,677.63 S.F.)
- 3.) EXISTING USE: VACANT LAND
- 4.) PROPOSED USE: SALES, CONVENIENCE FOOD STORE, AND VARIOUS RETAIL AND SERVICE USES.
- 5.) PARKING:
REQUIRED- 75 SPACES (SEE TABULATION)
PROVIDED- 83 SPACES (SEE TABULATION)
- 6.) UTILITIES: SEWER- PUBLIC WATER- PUBLIC
- 7.) SITE IS LOCATED IN AN I-M DISTRICT AND WITHIN A PLANNED INDUSTRIAL PARK CONTAINING A NET AREA GREATER THAN 25 ACRES.
- 8.) SITE IS LOCATED IN THE STEMMERS RUN DRAINAGE AREA.
- 9.) ELECTION DISTRICT: 13
- 10.) COUNCILMANIC DISTRICT: 6
- 11.) CENSUS TRACT: 4512

VARIANCES REQUESTED

- 1.) A VARIANCE TO SECTION 253.1.C.11 TO ALLOW A FOOD STORE (CONVENIENCE STORE) WITH A GROSS FLOOR AREA OF 3277 S.F. IN LIEU OF THE PERMITTED 2500 S.F. GROSS FLOOR AREA. A VARIANCE OF 777 S.F..
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PARKING TABULATION

CONVENIENCE FOOD STORE	
SQUARE FEET.....	3,277
PARKING REQ. (SSP./1000 S.F.) =	16.4 SPACES
RETAIL AND SERVICES	
SQUARE FEET.....	11,725
PARKING REQ. (SSP./1000 S.F.) =	58.6 SPACES
TOTAL REQUIRED.....	75 SPACES
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COLBERT ENGINEERING, INC.
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PETITIONER'S
EXHIBIT 1

368

PLAT TO ACCOMPANY
VARIANCE APPLICATION
LOT 2 SECTION 3
PULASKI INDUSTRIAL PARK
NORTHWEST CORNER ROSSVILLE AND KELSO DRIVE
SCALE: 1" = 20' DATE: MARCH 2, 1989
SHEET 1 OF 1